FILE COPY

Office - Supreme Court, U.S.
FILED
AUG 15 1949
CHARLES ELMORE CROPLEY
CLERK

IN THE

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, D. C. 1949.

No. 270

JULIUS HALL LYONS,
*Petitioner,*
1106 North Taylor Street,
Arlington, Virginia,

*vs.*

DR. SILAS W. WELTMER, ET AL,
*Respondent,*
Superintendent, Spring Grove State Hospital, Catonsville 28, Maryland.

## PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT AND BRIEF IN SUPPORT THEREOF.

JULIUS HALL LYONS, *pro se,*
*Petitioner.*

## SUBJECT INDEX.

### Petition for Certiorari.


| | | PAGE |
|---|---|---|
| I. | Statement of the Matter Involved | 1-2 |
| II. | Basis of This Court's Jurisdiction | 2-4 |
| III. | The Questions Presented | 4 |
| IV. | Reasons Relied Upon for Allowance of the Writ of Certiorari | 4-5 |
| | Appendix | 6 |
| | Opinion of the United States District Court for the District of Maryland | 6 |
| | Opinion of the United States Court of Appeals for the Fourth Circuit | 6 |


### Brief.


| | |
|---|---|
| Grounds of Jurisdiction | 7-8 |
| Statement of the Case | 8 |
| Summary Argument | 8-9 |


### Table of Cases.


| | |
|---|---|
| Bailey v. People, 190 Ill. 28, 60 N.E. 98, 54 L.R.A. 838, 83 A.M. St. Rep. 116 | 8 |
| Brown v. New Jersey, 175 V.S. 172, 20 Sup. Ct. 77, 44 L.Ed. 119 | 8 |
| Cantimi v. Tillman (C.C.), 54 Fed. 975 | 9 |
| Embury v. Conner, 3 N.Y. 511, 517, 53 A.M. Dec. 325 | 9 |
| East Kingston v. Towle, 48 N.H. 57, 97 A.M. Dec. 575, 2 A.M. Rep. 174 | 9 |
| Eames v. Savage, 77 Me. 221, 52 A.M. Rep. 751 | 9 |
| Griffin v. Mixon, 38 Miss. 458 | 9 |

PAGE

Hallenbeck v. Hahn, 2 Neb. 377 ..... 9
Hager v. Reclamation Dist. 111 U.S. 701, 4 Sup. Ct. 663, 28 L. Ed. 569 ..... 9
In re Rosser, 101 F. 567, 41 C.C.A. 497 ..... 9
State v. Beswick, 13 R.I. 211, 43 A.M. Rep. 26 ..... 9
Stuart v. Palmer, 74 N.Y. 191, 30 A.M. Rep. 289 ..... 9
Wynehamer v. People, 13 N.Y. 395 ..... 9

STATUTES.

*United States.*

New Title 28—United States Code § 1251 ..... 2
New Title 28—United States Code § 1253 ..... 3
New Title 28—United States Code § 1254 ..... 3

CONSTITUTION.

*Constitution of the United States*

Amendment, Article XIII ..... 7
Amendment, Article XIV, Section 1 ..... 7-8

IN THE

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, D. C. 1949.

---

No. ------.

---

JULIUS HALL LYONS,

*Petitioner,*

*vs.*

DR. SILAS W. WELTMER, ET AL,

*Respondent.*

---

## PETITION FOR WRIT OF CERTIORARI.

*To the Honorable the Chief Justice and Associate Justices of the Supreme Court of the United States:*

Your petitioner, Julius Hall Lyons, respectfully shows unto the Court the following:

## I.

## STATEMENT OF THE MATTER INVOLVED.

(A) Petitioner was seized or/and kidnapped by the Respondent's official subordinates and agents and locked up and imprisoned in the said Spring Grove State Hospital, Catonsville 28, Maryland, May 9, 1947, without due process of law, under the supervision of Dr. Silas W. Weltmer.

(B) Petitioner was deprived of his liberty and without "due process of law."

(C) Petitioner was imprisoned and detained in the said Spring GROVE State Hospital, Catonsville 28, Maryland, against

his will and desire.

(D) Petitioner was held like a slave and made work on the said Spring Grove State Hospital farm on which the Dr. Silas W. Weltmer and his subordinates and agents acted like slave drivers.

(E) Petitioner was prevented from transacting business, suffered great pain of body and mind while being imprisoned.

(F) Petitioner lived in fear of being killed during imprisonment in the said Spring Grove State Hospital.

(G) Petitioner was denied his constitutional rights and protection of the laws of the United States of America.

(H) Petitioner made his escape from the said Spring Grove State Hospital, Catonsville 28, Maryland, without assistance.

(I) Petitioner's claim for relief is for redress, the deprivation, and/or damage and/or punitive damages, amount $60,000 (sixty thousand dollars )and costs of this suit.

(J) Petitioner respectfully urges that the Supreme Court of the United States give petitioner summary judgment in his favor or try this case or/and demand a non partial law court to try said case.

It is hereby pointed out Respondent has never answered said complaint.

## II.

## BASIS OF THIS COURT'S JURISDICTION.

New Title 28—United States Code §1251. Original jurisdiction.

§ (a) The Supreme Court shall have original and exclusive jurisdiction of:

(1) All controversies between two or more States;

(2) All actions or proceedings against ambassadors or other public ministers of foreign states or their domestics or domestic servants, not inconsistent with the law of nations.

(b) The Supreme Court shall have original but not exclusive jurisdiction of:

(1) All actions or proceedings brought by ambassadors or other public ministers of foreign states or to which consuls or vice consuls of foreign states are parties.

(2) All controversies between the United States and a State;

(3) All actions or proceedings by a State against the citizens of another State or against aliens.

§ 1253 Direct appeals from decisions of three-Judge Courts.

Except as otherwise provided by law any party may appeal to the Supreme Court from an order granting or denying, after notice and hearing, an interlocutory or permanent injunction in any civil action, suit or proceeding required by any act of Congress to be heard and determined by a district court of three judges.

§ 1254 Courts of Appeals; Certiorari; Appeal; Certified questions.

Cases in the Courts of Appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By appeal by a party relying on a State statute held by a court of appeals to be invalid as repugnant to the Constitution, treaties or laws of the United States, but

such appeal shall preclude review on appeal shall be restricted to the Federal questions presented.

(3) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

## III.

## THE QUESTIONS PRESENTED.

The questions presented to the Court are:

(1) Is not this the United States of America with a—Constitution of the United States of America and laws of the United States of America for a citizen of the United States of America?

(2) Why is it they do not exist for petitioner?

(3) Why is it democracy did not exist for petitioner?

(4) Why is it petitioner cannot get justice through law?

## IV.

## REASONS RELIED UPON FOR ALLOWANCE OF THE WRIT OF CERTIORARI.

(1) Petitioner has been unable to get a trial or relief for this said case.

(2) Petitioner has been completely denied protection of the laws of the United States and the laws of the Constitution of the United States.

(3) Petitioner has exhausted all known efforts to get relief.

## CONSTITUTION OF THE UNITED STATES OF AMERICA.

## ARTICLE III.

## THE JUDICIAL POWER.

### Section 1

The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may from time to time ordain and establish. The judges, both of the Supreme and inferior courts, shall hold their office during good behavior, and shall, at stated times, receive for their services a compensation which shall not be diminished during their continuance in office.

### EXTENT OF THE JUDICIAL POWER.

(1) The judicial power shall extend to all cases in law and equity arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State; claiming lands under grants of different States, and between a State, or the citizens thereof, and foreign States, citizens or subjects.

### ORIGINAL AND APPELATE JURISDICTION OF THE SUPREME COURT.

(2) In all cases affecting ambassadors, other public ministers and consuls, and those in which a State shall be party, the Supreme Court shall have original jurisdiction. In all other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

## APPENDIX.

JULIUS HALL LYONS,
*Appellant,*

*vs.*

DR. SILAS W. WELTMER,
*Appellee.*

Opinion ordered by the United States District Court for the District of Maryland, this fifth day of November, 1948, that the defendant's motion to dismiss the amended complaint be and the same is hereby sustained.

Mr. W. Calvin Chestnut delivered the opinion of the Court.

## UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT.

No. 5851.

JULIUS HALL LYONS,
*Appellant,*

*vs.*

DR. SILAS W. WELTMER,
*Appellee.*

Appeal from the United States District Court for the District of Maryland, at Baltimore.

(Argued April 6, 1949 Decided May 17, 1949)

Before Parker, Soper and Dobie, Circuit Judges.

Opinion of the Court
Judgment Affirmed.

IN THE

# SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, A. D. 1949

No. _____.

JULIUS HALL LYONS,
*Petitioner*

*vs.*

DR. SILAS W. WELTMER, ET AL,
*Respondent.*

## BRIEF IN SUPPORT OF PETITION FOR CERTIORARI.

### GROUNDS OF JURISDICTION.

This case arises under one, more and all of the following laws of the United States, and under the Constitution of the United States; Article IV, Section II, also amendments to the Constitution of the United States; Article V, Article VI, Article XIII, Section I, and Article XIV, Section I, also U.S.C., Title 28, Chapter 2—§ 41, par. 1, par. 2, par. 12, par. 13, par. 14, U.S.C. Title 8 § 41—§ 43.—§ 47, par. 3—§ 48, also New Title 18 United States Code § 241—§ 242.

### AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES.

#### Article XIII.

Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States or any place subject to their jurisdiction.

#### Article XIV.

Section 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside .

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

## STATEMENT OF THE CASE.

On May 9, 1947, the Respondent, acting by and through his official subordinates and agents, did unlawfully, falsely, and without due process of law, imprison and deprive the petitioner of his liberty, against petitioner's will and desire; that the petitioner was imprisoned in the said Spring Grove State Hospital, Catonsville 28, Maryland, under the supervision of Respondent, where he was unlawfully and without his will and desire, detained until September 24, 1947, when said petitioner made his escape from said hospital.

It is the petitioner's belief if he had not made his escape he would still be imprisoned or killed by this time in the said Spring Grove State Hospital, Catonsville 28, Maryland.

While petitioner was imprisoned he contacted Respondent's office and also the welfare organization that works in and out of said hospital, wrote to the Honorable Governor Lane of Maryland, and also wrote to the Federal Bureau of Investigation. It brought petitioner no answers.

## SUMMARY ARGUMENT.

"Due process of law," as used in the Constitution, cannot mean less than a prosecution or suit instituted and conducted according to the prescribed forms and solemnities for ascertaining guilt, or determining the title to property.

*Burch* v. *Newbury*, 10 N.Y. 374, 397;

*Bailey* v. *People*, 190 Ill. 28, 60 N.E. 98, 54 L.R.A. 838, 83 A.M. St. Rep. 116;

*Brown* v. *New Jersey*, 175 V.S. 172, 20 Sup. Ct. 77, 44 L. Ed. 119;

*Cantimi* v. *Tillman* (C.C.) 54 Fed. 975;
*Embury* v. *Conner*, 3 N.Y. 511, 517, 53 A.M. Dec. 325;
*East Kingston* v. *Towle*, 48 N.H. 57, 97 A.M. Dec. 575, 2 A.M. Rep. 174;
*Eames* v. *Savage*, 77 Me. 221, 52 A.M. Rep. 751;
*Griffin* v. *Mixon*, 38 Miss. 458;
*Hallenbeck* v. *Hahn*, 2 Neb. 377;
*Hager* v. *Reclamation Dist.*, 111 U.S. 701, 4 Sup. Ct. 663, 28 L. Ed. 569;
*In re Rosser*, 101 F. 567, 41 C.C.A. 497;
*State* v. *Beswick*, 13 R. I. 211, 43 A.M. Rep. 26;
*Stuart* v. *Palmer*, 74 N. Y. 191, 30 A.M. Rep. 289;
*Wynehamer* v. *People*, 13 N. Y. 395.

I therefore respectfully submit that this Court should grant the writ of certiorari here prayed for. Give petitioner summary judgment in his favor or try this case or/and demand a non-partial law court to try said case.

JULIUS HALL LYONS, *pro se*,
*Petitioner*,

August 15, 1949.